

DN 99-040A
USSN 10/731,512
Amendment Filed Dec. 22, 2004

PATENT

REMARKS

Status of Claims

Claims 10-12 remain pending and under examination on the merits in the present divisional patent application. Claim 10 has been amended, as discussed further hereinbelow. Claims 1-9 remain cancelled.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

On pages 2-3 of the Office Action, Claim 10 has been rejected, under 35 U.S.C. § 112, second paragraph, based on the Examiner's determination that the phrase "Y comprises Mo" is vague and indefinite because it leaves open the possibility that other compounds could be present, but those other possible compounds are unnamed.

By the foregoing amendments, Claim 10 has been amended according to the Examiner's advice, i.e., Claim 10 now includes the phrase "Y is Mo". It is believed that the aforesaid amendments to Claim 10 adequately address the Examiner's rejection under 35 U.S.C. § 112 and, therefore, withdrawal of the rejection is hereby requested.

Claim Rejections Based on US Patent No. 6,180,825

Claims 10-12 have been rejected, under the judicially created doctrine of obviousness-type double patenting, as well as under 35 U.S.C. §§ 102(e) and 103(a), as being unpatentable in view of Lin et al. US 6,180,825 (see pages 3-10 of the first Office Action). Without comment or concession regarding the propriety or correctness of any of the aforesaid amendments, Applicants have decided to obviate these rejections by submission of a Terminal Disclaimer over US 6,180,825. The accompanying Terminal Disclaimer is believed to overcome each of the foregoing rejections and, therefore, withdrawal of said rejections is hereby respectfully requested.

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CONCLUSION

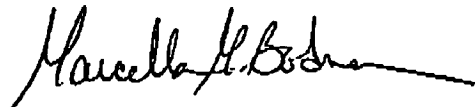
Based upon the foregoing amendments and explanations, Applicants and their attorney hereby respectfully request re-examination and allowance of amended Claim 10 and Claims 11-12.

A fee of \$450 (Code 1252) is believed to be due in connection with the filing of this Amendment since it is being filed within two months of the original due date set by the first Office Action. This \$450 extension fee is addressed by the accompanying Petition for Extension, which authorizes this \$450 fee to be charged to **Deposit Account No. 18-1850**.

The fee which is due in connection with the filing of the accompanying Terminal Disclaimer is addressed within the Terminal Disclaimer and by the accompanying Fee Transmittal form.

No additional fees are believed to be due in connection with this submission, however, if any such fees are due, including extension and petition fees, the Commissioner is hereby authorized to charge them, as well to credit any overpayments, to **Deposit Account No. 18-1850**. In the meantime, please direct all future correspondence relating to the present application to the undersigned attorney.

Respectfully submitted,



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Date: **December 22, 2004**
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